Public Servants Disclosure Protection Tribunal Canada

2009-2010 Estimates

Part III – Report on Plans and Priorities

Approved:

The Honourable James Moore
Minister of Canadian Heritage and Official Languages

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Registrar's Message

I am pleased, in the absence of a Chairperson, to present the *2009-2010 Report on Plans and Priorities* for the Public Servants Disclosure Protection Tribunal (the Tribunal).

The Tribunal derives its mandate from the *Public Servants Disclosure Protection Act* which came into force in 2007. The *Act* established a new regime designed to encourage public servants to disclose wrongdoings. The premise behind this regime is that public servants will be more inclined to report wrongdoing because they are legally protected against reprisals.

The Tribunal has been created to hear complaints of reprisal filed by public servants and referred by the Public Sector Integrity Commissioner. It has the power to order remedies for the complainant and disciplinary actions against the person found to have taken reprisals.

Because the Tribunal is still in its infancy, work remains to be done to ensure that all the tools, processes and resources for the effective management of cases are in place. Efforts will also be made to increase awareness of the Tribunal by implementing the activities outlined in the strategic communications plan developed last year.

The responsibility for implementing the *Act* rests with chief executives, the Public Sector Integrity Commissioner, the Tribunal and the Canada Public Service Agency. The Registry of the Public Servants Disclosure Protection Tribunal is committed to working with its partners to establish an effective regime that will ultimately enhance public confidence in the federal public service.

Lisanne Lacroix
Registrar and Deputy Head,
Public Servants Disclosure Protection Tribunal

Section I – Departmental Overview

Raison d'être

The raison d'être of the Tribunal is to protect public servants who disclose wrongdoings from reprisals.

Responsibilities

The Tribunal is one component of the wrongdoing disclosure regime introduced by the *Public Servants Disclosure Protection Act*[1] (the *Act*). In addition to the Tribunal, Chief executives, the Office of the Public Sector Integrity Commissioner (the Commissioner) and the Canada Public Service Agency have new responsibilities under the *Act*. The Tribunal's success, and that of the other parties, will strengthen accountability and increase public confidence in the integrity of public servants.

In this context, the Tribunal, as an independent quasi-judicial body, is responsible for hearing complaints of reprisal referred by the Commissioner. The *Act* provides for the establishment of a Registry to help the Tribunal in the conduct of its work, with an office in the National Capital Region.

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[1] S.C., c. 46 ; P-31.9 [Assented to November 25, 2005]

Strategic Outcome and Program Activity Architecture (PAA)

In carrying out its mandate, the organization is aiming for the following strategic outcome:

Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals.

The Registry assists the Tribunal in fulfilling its mandate through the Reprisal Hearings Program. This program provides for the effective management of the Tribunal's hearing process. This includes receiving documents, processing cases, maintaining Tribunal records, offering logistical and legal support, providing orientation and training for Tribunal members, and informing parties and interested persons of the existence and powers of the Tribunal.

Planning Summary

Financial Resources (thousands of dollars)

2009–10	2010–11	2011–12
1,828	1,833	1,833

Human Resources (Full-Time Equivalent—FTE)

2009–10	2010–11	2011–12
12	12	12

Summary Table

Strategic Outcome: Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals.	
Performance Indicators	**Targets**
Number of decisions and/or orders issued within 250 calendar days from the start of a proceeding	90% of proceedings are completed within 250 calendar days
Degree to which the evidence and the written communication filed are shared with all parties	Fewer than 10% of adjournments are granted by the Tribunal because of deficiencies in the disclosure of evidence and written communication filed
The extent to which the parties have the information needed to exercise their rights	The procedural guide is distributed to all parties within five days after the commencement of the proceeding

Program Activity[2]	Forecast Spending 2008–09	Planned Spending (thousands of dollars)			Alignment to Government of Canada Outcomes
		2009–10	2010–11	2011–12	
Reprisal Hearings Program	1,833	1,828	1,833	1,833	Government Affairs
Total Planned Spending		1,828	1,833	1,833	

2. For program activity descriptions, please access the Main Estimates online at http://www.tbs-sct.gc.ca/est-pre/20082009/me-bd/pub/me-173_e.asp

Contribution of Priorities to Strategic Outcome

Operational Priorities	Type	Links to Strategic Outcome	Description
Continue to prepare for Tribunal hearings	Previously committed to	Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals	**Why this is a priority:** The Tribunal must be ready to hear reprisal complaints **Plans for meeting the priority:** ▪ Approve and publish the rules of procedure ▪ Finalize the case management framework ▪ Draft a procedural guide for use by parties ▪ Conduct research related to the Tribunal's mandate ▪ Continue to develop an information management system ▪ Implement the human resources plan
Inform interested persons, key stakeholders and Canadians	Previously committed to	Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals	**Why this is a priority:** ▪ Public servants may be more apt to disclose wrongdoing knowing that they are protected against reprisals ▪ It is important that public servants be aware of the existence of the Tribunal and of its powers to order remedies and disciplinary actions **Plans for meeting the priority:** ▪ Make the rules of procedure and the procedural guide available on the Tribunal's Web site ▪ Implement activities outlined in the strategic communications plan

Operational Priorities	Type	Links to Strategic Outcome	Description
Monitor issues arising from the application of the *Act*	Previously committed to	Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals	**Why this is a priority:** ▪ An independent review of the application and operation of the *Act* will be conducted in 2012, five years after coming into force of the *Act* ▪ This review will assess the extent to which the procedures established under the *Act* have been effective **Plans for meeting the priority:** ▪ In light of its expertise and experience, the Registry will continue to identify and analyze issues that arise from the Act and its administration

Management Priorities	Type	Links to Strategic Outcome	Description
Management excellence	Previously committed to	Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals	**Why this is a priority:** ▪ As a new organization, it is important for the Registry to establish a solid management foundation against which to assess and improve organizational performance **Plans for meeting the priority:** ▪ The Registry will continue to put in place the ten elements of the Management Accountability Framework

Risk Analysis

The whole premise of the wrongdoing disclosure regime is that public servants will be more inclined to report wrongdoing because they are legally protected against reprisals. It is crucial, in this context, that public servants know that the Tribunal exists and that it has the power to order remedies and disciplinary actions. Because the Tribunal is still in its infancy, many public servants are unaware of its existence. The Tribunal must continue to work with the other parties who have responsibilities under the *Act* to increase public servants' awareness of and confidence in the new disclosure regime.

Like most other Tribunals, predicting the number of cases that will come before the Tribunal in any given year is a real challenge. This is particularly true for the Tribunal given its recent establishment. The Tribunal's caseload is dependent upon several factors, including the number of complaints that are filed with and investigated by the Commissioner, and the outcome of conciliation efforts. The unpredictable nature of the caseload makes it difficult for the Registry to manage its human and financial resources effectively. The uneven workload and the limited career advancement opportunities available in an organization the size of the Registry make it difficult to recruit and retain qualified staff. Hiring staff to work on a part-time basis through partnership agreements with other Tribunals and providing opportunities that enable employees to acquire new skills and experience will allow the Registry to maximize resources while providing a stimulating work environment.

Expenditure Profile

As the Tribunal has been established only recently, there are no financial trends to report.

Voted and Statutory Items

(thousands of dollars)

Vote # or Statutory Item (S)	Truncated Vote or Statutory Wording	2008–2009 Main Estimates	2009–2010 Main Estimates
110	Program expenditures	1,644	1,644
(S)	Contributions to employee benefit plans	189	184
	TOTAL	1,833	1,828

Section II – Analysis of Program Activities by Strategic Outcome

Strategic Outcome: Remedial and disciplinary actions that ensure complainants to the Office of the Public Sector Integrity Commissioner are protected against reprisals

Program Activity: Reprisal Hearings Program					
Human Resources (FTE) and Planned Spending (thousands of dollars)					
2009–10		**2010–11**		**2011–12**	
FTE	**Planned Spending**	**FTE**	**Planned Spending**	**FTE**	**Planned Spending**
8	965	8	969	8	969

Program Activity Expected Result	**Performance Indicators**	**Targets**
Effective management of the Tribunal's proceedings	Number of decisions and/or orders issued within 250 calendar days from the start of a proceeding	90% of proceedings are completed within 250 calendar days
	Degree to which the evidence and written communication filed are shared with all parties	Fewer than 10% of adjournments are granted by the Tribunal because of deficiencies in the disclosure of evidence and written communication filed
	The extent to which the parties have the information needed to exercise their rights	The procedural guide is distributed to all parties within five days after the commencement of the proceeding

Program Activity: Internal Services					
Human Resources (FTE) and Planned Spending (thousands of dollars)					
2009–10		**2010–11**		**2011–12**	
FTE	**Planned Spending**	**FTE**	**Planned Spending**	**FTE**	**Planned Spending**
4	863	4	864	4	864

Section III – Supplementary Information

Contact Information

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